



PATENT
2611-0136P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: KAJIYA et al. Conf: 5509
Appl. No.: 09/723,292 Group: 2633
Filed: Nov. 28, 2000 Examiner: Agustin BELLO
For: OPTICAL WAVELENGTH DIVISION MULTIPLEXING
TRANSMISSION SUPPRESSING FOUR-WAVE MIXING AND SPM-
GVD EFFECTS (as amended)

RECEIVED

AUG 17 2004

REPLY TO RESTRICTION REQUIREMENT

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 13, 2004

SIR:

In response to the Examiner's Office Action dated July 14, 2004, the following remarks are respectfully submitted in connection with the above-identified application.

This reply includes:

REMARKS

Remarks

The Office action of July 14, 2004 has been received and its contents carefully noted. Applicants appreciate the courtesy extended by the Examiner during the telephone conference on July 23, 2004.

Claims 1-25 are pending in the application.

Response to Restriction Requirement

Applicants' representative had a telephone conference on July 23, 2004 with the Examiner to discuss the restriction requirement.

Representative and Examiner discussed the species/subspecies that are represented in the drawings, and Examiner provisionally agreed that Claims 1 and 11, were generic claims.

In accordance with this provisional agreement, Applicants strongly contend that Claims 1 and 11 are generic claims and therefore only elect a species/subspecies for prosecution if no generic claim is finally held to be allowable in accordance with 35 U.S.C. § 121.

Claim 1 is directed to first and second optical fiber transmission paths, and an optical repeater that performs wavelength conversion where these elements are common to all species I-V (Figs. 3-7) defined in the Action making this claim directed to a genus invention. Also, Claim 11 is directed to an optical repeater including a plurality of wavelength converters and a wave combiner where these elements are common to all species I-V

(Figs. 3-7) defined in the Action making this claim directed to a genus invention.

In accordance with § 121, Applicants elect species I/subspecies A (Figs. 3, 8) as defined in the Action. Claims 1-6, 11-12, and 17-19 are directed to this elected species/subspecies and the genus invention described above. Further, upon allowance of the genus claims 1, 11, all of the species/subspecies claims should rejoined and deemed allowable.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

The Examiner is invited to contact Clint Gerdine at (703) 205-8000 to discuss the application.

Respectfully submitted,

BIRCH, STEWART, KOLASCH, & BIRCH, LLP

BY



Clint Gerdine, Reg. No. 41,035
P.O. Box 747
Falls Church, VA 22040-0747
Phone: (703) 205-8000

CAG:tm:mag
2611-0136P